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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,140	08/03/2000	Roger P. Hoffman	P/2-72	1313

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

mk-5

Office Action Summary

Application No.

09/632,140

Applicant(s)

HOFFMAN, ROGER P.

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 – 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase ‘in the configuration of a box’ in Claim 1 is indefinite because it is unclear whether the beverage carrier is a box or not. For purposes of examination, the beverage carrier will be assumed to be a box. The phrase ‘composed of’ in Claim 1 is indefinite because it is unclear whether the term is intended to be opened or closed. For purposes of examination, the phrase will be assumed to mean ‘comprising.’ The phrases ‘base layer’ and ‘based layer’ in Claim 1 are indefinite as their meanings are unclear. For purposes of examination, the phrases will be assumed to mean ‘layer.’ The phrase ‘outer surface layer’ in Claim 1 is indefinite as it differs from the previously used phrase ‘outer surface’ and therefore has not been defined. The meaning of the phrase is therefore unclear. For purposes of examination, the phrase will be assumed to mean ‘outer surface.’ The phrase ‘being bonded continuously’ is indefinite, as it is unclear how continuous the bonding is. For purposes of examination, the phrase will be assumed to mean continuous bonding over any length. Correction and / or clarification is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merdem et al (U.S. Patent No. 5,057,359) in view of Massouda (U.S. Patent No. 5,116,649).

With regard to Claim 1, Merdem et al. disclose a laminated beverage carrier (container for fruit juice; column 3, lines 16 – 40) comprising a box (carton; column 3, lines 16 – 40) comprising a folded, secured composite sheet (laminate; column 3, lines 16 – 40); the sheet comprises a layer of unbleached paperboard (therefore a layer of unbleached cellulosic fibers; column 3, lines 16 – 57) having an inner surface and outer surface (paperboard; column 3, lines 16 – 40), an outer layer of greaseproof paper (therefore a separately formed paper having an inner surface and outer surface; column 3, lines 16 – 40), and adhesive between the inner surface of the outer layer and the outer surface of the inner layer, and serving to bond the outer layer to the inner layer (the adhesive comprises polyolefin layers; column 3, lines 16 – 40); polyolefin layers are also laminated to the inner surface of the inner layer and outer surface of the outer layer (column 3, line 49 – 67). With regard to the claimed aspect of the paper layers being ‘uncorrugated,’ Merdem et al do not disclose corrugation; the claimed aspect of the paper layers being ‘uncorrugated’ therefore reads on Merdem et al. Merdem et al fail to disclose a layer having printed graphics disposed on its outer surface.

Massouda teaches that it is known in the art to print the outer polyolefin layer of a paperboard beverage container, for the purpose of obtaining a package having a desirable appearance (column 3, lines 32 – 42).

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It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for printing of the outer surface in Merdem et al in order to obtaining a package having a desirable appearance as taught by Massouda.

With regard to Claim 2, Merdem et al disclose the use of unbleached Kraft paper as the material of the paperboard (column 3, lines 49 – 58); the claimed aspect of the Kraft paper comprising 'unbleached virgin Kraft pulp' therefore reads on Merdem et al.

With regard to Claim 3, the beverage carrier further comprises a layer of water absorbent material (air) disposed on the inner surface of the inner layer.

With regard to Claim 4, the beverage carrier comprises a film of water resistant adhesive (the innermost polyolefin layer) bonding the absorbent material to the base layer.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson

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[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
HP

7/12/02